

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOHN WESLEY PHILLIPS,)
vs.)
Petitioner,)
vs.)
DAVID C. MILLER,)
Respondent.)
Case No. CIV-05-1296-M

ORDER

On April 19, 2006, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the Petition for Writ of Habeas Corpus be denied. Petitioner was advised of his right to object to the Report and Recommendation by May 9, 2006. After receiving a number of extensions of time, petitioner filed his initial objections on June 8, 2006 and his supplemental objections on July 10, 2006.¹ In his objections, petitioner objects to the Report and Recommendation in its entirety.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on April 19, 2006;
- (2) DENIES the Petition for Writ of Habeas Corpus; and

¹In his supplemental objections, petitioner raises a number of new claims, which petitioner concedes are unexhausted. Petitioner further states that he will be exhausting these claims in state post-conviction proceedings and “leaves it up to this Court whether or not to stay these proceedings until petitioner exhausts all claims, or for this Court to adjudicate on the merits the issues already presented.” Supplemental objections at 18. Because these are both new and unexhausted claims, the Court declines to stay this action and will only address the issues already before the Court.

(3) ORDERS that judgment in favor of respondent issue forthwith.

IT IS SO ORDERED this 8th day of August, 2006.



VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE